

Customer No.:



07278

PATENT TRADEMARK OFFICE



Docket No.: 5986/11147 US1

**DECLARATION  
AND POWER OF ATTORNEY  
Original Application**

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below, of the invention entitled:

**METHODS AND COMPOSITIONS USING CAP43 PROTEINS AND NUCLEIC ACIDS  
TO DIAGNOSE AND TREAT CANCER AND OTHER DISORDERS**

which is described and claimed in:

- ☐ the attached specification
- ☒ the specification in application Serial No. 10/057,832,  
filed January 25, 2002  
(for declaration not accompanying application)

that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 CFR §1.56. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby claim the priority benefits under 35 U.S.C. §119 of any application(s) for patent or inventor's certificate listed below. All foreign applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed are also identified below.

**PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED**

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
USA	60/264,268	January 25, 2001

**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, and Samuel S. Woodley, Ph.D. #43,287

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

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**FULL NAME AND RESIDENCE OF INVENTOR 1**

LAST NAME: Costa FIRST NAME: Max MIDDLE NAME:

CITY: Ramsey STATE OR FOREIGN COUNTRY: New Jersey COUNTRY OF CITIZENSHIP: U.S.A

POST OFFICE ADDRESS: 207 East Crescent Avenue CITY: Ramsey STATE OR COUNTRY: New Jersey ZIP CODE: 07446

**FULL NAME AND RESIDENCE OF INVENTOR 2**

LAST NAME: Salnikow FIRST NAME: Konstantin MIDDLE NAME:

CITY: Waldwick STATE OR FOREIGN COUNTRY: New Jersey COUNTRY OF CITIZENSHIP: U.S.A

POST OFFICE ADDRESS: 3 Gateway Court      CITY: Waldwick      STATE OR COUNTRY: New Jersey      ZIP CODE: 07463

FULL NAME AND RESIDENCE OF INVENTOR 3

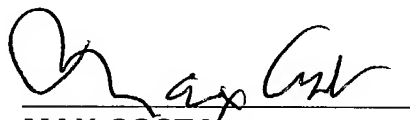
LAST NAME: Yee      FIRST NAME: Herman      MIDDLE NAME:

CITY: Pomona      STATE OR FOREIGN COUNTRY: New York      COUNTRY OF CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 57 Halley Drive      CITY: Pomona      STATE OR COUNTRY: New York      ZIP CODE: 10970

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1:

  
MAX COSTA

DATED:

4/9/2002

SIGNATURE OF INVENTOR 2:

  
KONSTANTIN SALNIKOW

DATED:

4/10/02

SIGNATURE OF INVENTOR 3:

HERMAN YEE

DATED:

Customer No.:



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*[Faint bleed-through from the reverse side of the page]*

**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

**POWER OF ATTORNEY:**

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

FULL NAME AND RESIDENCE OF INVENTOR 1

FULL NAME AND RESIDENCE OF INVENTOR 2

LAST NAME: Salnikow      FIRST NAME: Konstantin      MIDDLE NAME:

CITY: Waldwick      STATE OR FOREIGN COUNTRY: New Jersey      COUNTRY OF CITIZENSHIP: U.S.A

10057832 1052202

POST OFFICE ADDRESS: 3 Gateway Court CITY: Waldwick STATE OR COUNTRY: New Jersey ZIP CODE: 07463

FULL NAME AND RESIDENCE OF INVENTOR 3

LAST NAME: Yee FIRST NAME: Herman MIDDLE NAME:

CITY: Pomona STATE OR FOREIGN COUNTRY: New York COUNTRY OF CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 57 Halley Drive CITY: Pomona STATE OR COUNTRY: New York ZIP CODE: 10970

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SIGNATURE OF INVENTOR 1: \_\_\_\_\_ DATED: \_\_\_\_\_  
MAX COSTA

SIGNATURE OF INVENTOR 2: \_\_\_\_\_ DATED: \_\_\_\_\_  
KONSTANTIN SALNIKOW

SIGNATURE OF INVENTOR 3: H \_\_\_\_\_ DATED: 5/24/92  
HERMAN YEE